

WILLMAR CITY COUNCIL PROCEEDINGS  
COUNCIL CHAMBERS  
WILLMAR MUNICIPAL UTILITIES BUILDING  
WILLMAR, MINNESOTA

October 6, 1999  
7:00 p.m.

The regular meeting of the Willmar City Council was called to order by the Honorable Mayor Lester Heitke. Members present on a roll call were Mayor Heitke, Council Members Verna Kelly, Denis Anderson, Ron Christianson, Bruce DeBlieck, Douglas Reese, Nancy Houlahan, Jim Dokken, and Rick Fagerlie; Present 9, Absent 0.

Also present were City Administrator Michael Schmit, City Attorney Richard Ronning, Public Works Director Mel Odens, Finance Director Steven Okins, Planning and Development Services Director Bruce Peterson, Police Chief Jim Kulset, and City Clerk Kevin Halliday.

An addition to the Agenda included the Park and Leisure Services Board Minutes.

Council Member Kelly offered a motion adopting the Consent Agenda, which included the following: City Council Minutes of September 15, Rice Hospital Board Minutes of September 15, Municipal Utilities Commission Minutes of September 13 and 27, Human Rights Commission Minutes of May 18 and July 20, and Kandiyohi Area Transit Board Minutes of September 8, 1999; and Mayoral reappointment of Lee Durst to the Police Civil Service Commission. Council Member Reese seconded the motion, which carried.

The Mayor and Council discussed Item No. 5 regarding Civic Center ice rates of the Park and Leisure Services Board Minutes. Council Member Kelly moved to refer the matter of Civic Center rate increases to the Finance Committee for consideration. Council Member Reese seconded the motion, which carried. Council Member Kelly moved to approve the Park and Leisure Services Board Minutes of October 5, 1999, with Council Member Reese seconding the motion, which carried.

At 7:04 p.m. Mayor Heitke opened a hearing to consider an authorizing resolution for the City's proposed Year 2000 tax rate. City Administrator Schmit explained to the Mayor and Council that a new law in the 1999 Omnibus Tax Bill requires cities to hold a public hearing and adopt a resolution before any increase in the tax rate may be allowed. There being no one present to speak for or against the authorizing resolution, Mayor Heitke closed the hearing at 7:05 p.m.

Resolution No. 1 was introduced by Council Member Kelly, seconded by Council Member Christianson, read by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 1

Tax Rate Authorization

WHEREAS, the State of Minnesota has enacted Chapter 243, Laws of Minnesota 1999, Article 6, Section 2 requiring a City Council to have adopted and filed an authorizing resolution if its City tax rate turns out to be higher the following year that a theoretical tax rate for the previous year under the law; and

WHEREAS, there are numerous factors that can potentially cause tax rates to rise, and if the tax rate has to go up, the City of Willmar wishes to be in compliance with the law that an authorizing resolution be adopted and filed.

NOW, THEREFORE, BE IT RESOLVED that if the tax rate of the City of Willmar for the Year 2000 is higher than the tax rate certified by the County Auditor under clause (3) of Section 2, Article 6, Chapter 243, Laws of Minnesota 1999, the higher tax rate is hereby authorized by the City Council of Willmar.

BE IT FURTHER RESOLVED that an official copy of this adopted resolution be filed with the County Auditor.

Dated this 6<sup>th</sup> day of October, 1999.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Mayor Heitke recognized two City employees retiring with collectively 58 years of public service. The Mayor acknowledged Gayle Larson and Wayne Hayunga, Public Works Department, thanking each of them and extending congratulations.

The Finance Committee Report of September 20, 1999, was presented to the Mayor and Council by Council Member Kelly. There were six items for Council consideration.

Item No. 1 H.R.A. Director Dorothy Gaffaney appeared before the Committee to present the Willmar Housing and Redevelopment Authority's proposed budget for the Fiscal Year June 30, 2000. The information was provided at this time in order for the Council to have time to review and formulate any questions before the November 22, 1999, budget meeting. This matter was for information only.

Item No. 2 Sara Titus, Fund Development Director for the Southwest Minnesota Foundation, presented to the Committee historical information on the Foundation's participation in Kandiyohi County and the City of Willmar. The information showed the City has contributed a total of \$93,544, an initial contribution \$25,000 and \$10,000 a year after that for the next 5 years, and then a final contribution of \$18,544 based on \$1 per capita.

It was noted the Foundation has provided a total of 94 grants totaling \$1,188,152 and 24 loans totaling \$1,209,300 in Kandiyohi County since the program began in 1986. Ms. Titus was requesting the Council consider an additional contribution in the Year 2000. The Committee was informed that the Mayor has included an amount of \$10,000 in his proposed Budget. This matter was for information only.

Item No. 3 The Committee reviewed a request from Kandilink for a \$1,500 contribution to help fund efforts to monitor telecommunications for the Willmar area. It was the consensus of the Committee to contribute \$500 to these initial efforts. The Committee was recommending to the Council a resolution to appropriate \$500 from the Cable Franchise revenue. Resolution No. 2 was introduced by Council Member Kelly, seconded by Council Member Anderson, read by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 2

BE IT RESOLVED by the City Council of the City of Willmar to authorize the Finance Director to make the following changes within the Willmar Regional Access Channel (W.R.A.C. - 8) Fund:

Increase: Appropriations - Other Charges \$500.00

Increase: Estimated Revenue - Franchise Fees \$500.00

Dated this 6<sup>th</sup> day of October, 1999.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 4 The Committee reviewed items proposed in the Mayor's 2000 Budget. This matter was for information only.

Item No. 5 The following reports were reviewed by the Committee: August C.V.B., August Local Option Sales Tax, July and August Rice Hospital, and the August Rice Trust. Items of concern were expressed in regards to the performance of the Rice Trust and it was agreed to schedule a meeting with the Trustees to review the latest performance report. This matter was for information only.

Item No. 6 The following items were placed on future Committee agendas: Senior Nutrition Funding and the Year 2000 Budget. This matter was for information only.

The Finance Committee Report of September 20, 1999, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Kelly, seconded by Council Member DeBlieck, and carried.

The Community Development Committee Report of September 23, 1999, was presented to the Mayor and Council by Council Member DeBlieck. There were six items for Council consideration.

Item No. 1 Kay Westlie presented a request to the Committee relative to the creation of a Heritage Preservation Commission and the adoption of a historic preservation ordinance. A model ordinance was submitted to staff and copies will be distributed to the entire Council. Ms. Westlie proposed a joint meeting involving the City Council and Planning Commission to hear a presentation from the Minnesota Historical Society. Staff was asked to work with Ms. Westlie to set up a future meeting. This matter was for information only.

Item No. 2 Mike Nitchals and Bruce Lichty addressed the Committee on behalf of Kandi Link relative to the local telecommunications situation. The Committee was asked to be prepared to participate in a response to the PUC regarding the pending sale of US West. Kandi Link is working to identify issues to ensure that local telecommunication interests are protected. Concern was expressed about metro bias on the PUC. The group discussed how to best represent local interests before the PUC.

It was a consensus of the Committee that the Council was interested and concerned, and was committed to participate in the US West sale review process. This matter was for information only

Item No. 3 The Committee reviewed the most recent quarterly report for the Rental Housing Inspection Program. Staff explained that future reports will be done semi-annually, and the format will be changed to better represent the status of the program. This matter was for information only.

Item No. 4 The Committee discussed the status of the Airport Project. With the final environmental approval in-hand, staff is preparing a Request for

Statements of Qualifications to select consultants for the next phases (funding applications, engineering/design, acquisition/relocation, and construction engineering). This matter was for information only.

Item No. 5 The Committee briefly discussed downtown parking as it relates to the Courthouse debate. Staff indicated that the issue had been addressed at the staff level, and that several parking options are being studied. This matter was for information only.

Item No. 6 The Committee reviewed the following project updates: a new clerical person, Rita Jacobson, has been hired, the Inspectors have been working hard to pick up the Fire Marshal's workload (i.e. plan reviews, code checks, inspections), year-to-date new construction exceeds \$33 million, several changes still have to be made to the library project and approved by change order, staff is working with developers on two production facility projects, another large senior citizens housing complex, and a possible second Fixed Base Operator at the airport. This matter was for information only.

The Community Development Committee Report of September 23, 1999, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member DeBlieck, seconded by Council Member Fagerlie, and carried.

City Administrator Schmit informed the Mayor and Council that the City has received an application for franchise authority consent to assignment or transfer of control from Bresnan Telecommunications to Charter Communications. Following discussion, Council Member Reese offered a motion to schedule a public hearing to review the franchise transfer for November 17, 1999. Council Member Kelly seconded the motion, which carried. Council Member Kelly moved to retain the services of Brian Grogan of Moss & Barnett to review the application with Council Member Reese seconding the motion, which carried.

Public Works Director Odens presented to the Mayor and Council bids received for the construction of the Robbins Island Boat Landing. Following discussion, Resolution No. 3 was introduced by Council Member Kelly, seconded by Council Member Houlahan, read by Mayor Heitke, and approved on a roll call vote of Ayes 5, Noes 3 - Council Members Reese, Anderson and DeBlieck voted "No."

#### RESOLUTION NO. 3

BE IT RESOLVED, by the City Council of the City of Willmar, a municipal corporation of the State of Minnesota, that the bid of Duininck Bros., Inc. of Prinsburg, Minnesota, for the Robbins Island Boat Landing is accepted, and be it further resolved that the Mayor and City Administrator of the City of Willmar are hereby authorized to enter into an agreement with the bidder for the terms and consideration of the contract in the amount of \$29,735.00.

Dated this 6<sup>th</sup> day of October, 1999.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Public Works Director Odens presented to the Mayor and Council a proposed agreement with the Minnesota Department of Transportation regarding the City's portion of the maintenance of traffic signals at T.H. 12 and County Road 5. Following discussion, Resolution No. 4 was introduced by Council Member Christianson, seconded by Council Member DeBlieck, read by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

#### RESOLUTION NO. 4

BE IT RESOLVED that the City of Willmar enter into an agreement with the

State of Minnesota, Department of Transportation, for the following purposes, to wit:

To revise the existing traffic control signal with street lights and signing on Trunk Highway No. 12 at County State Aid Highway No. 5 (30<sup>th</sup> Street Northwest) in accordance with the terms and conditions set forth and contained in Agreement No. 79354R, a copy of which was before the Council.

BE IT FURTHER RESOLVED that the proper City officers be and hereby are authorized to execute such agreement, and thereby assume for and on behalf of the City all of the contractual obligations contained therein.

Dated this 6<sup>th</sup> day of October, 1999.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Announcements for Council Committee meeting dates were as follows: Aquatic Center Task Force, October 12; City-wide COP, October 19; and Labor Relations, October 27, 1999.

There being no further business to come before the Council, the meeting adjourned at 7:46 p.m. upon motion by Council Member Kelly, seconded by Council Member DeBlieck, and carried.

Attest:

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MAYOR

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SECRETARY TO THE COUNCIL